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Attorneys for Defendants David Baden and Dolores Matteucci

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

DISABILITY RIGHTS OREGON,  
METROPOLITAN PUBLIC DEFENDER  
SERVICES, INC., and A.J. MADISON,

Plaintiffs,

v.

DAVID BADEN, in his official capacity as  
head of the Oregon Health Authority, and  
DOLORES MATTEUCCI, in her official  
capacity as Superintendent of the Oregon State  
Hospital

Defendants,

and

LEGACY EMANUEL HOSPITAL &  
HEALTH CENTER d/b/a UNITY CENTER  
FOR BEHAVIORAL HEALTH LEGACY  
HEALTH SYSTEM, PEACEHEALTH, and  
PROVIDENCE HEALTH & SERVICES,

Intervenors.

Case No. 3:02-cv-00339-MO (Lead Case)  
Case No. 3:21-cv-01637-MO (Member Case)  
Case No. 6:22-CV-01460-MO (**Member Case**)

UNOPPOSED MOTION TO AMEND  
SEPTEMBER 1, 2022 ORDER

JAROD BOWMAN, JOSHAWN DOUGLAS-SIMPSON,

Plaintiffs,

v.

DOLORES MATTEUCCI, Superintendent of the Oregon State Hospital, in her individual and official capacity, DAVID BADEN, Director of the Oregon Health Authority, in his official capacity, and PATRICK ALLEN in his individual capacity,

Defendants,

and

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH LEGACY HEALTH SYSTEM, PEACEHEALTH, and PROVIDENCE HEALTH & SERVICES,

Intervenors.

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH; LEGACY HEALTH SYSTEM; PEACEHEALTH; and PROVIDENCE HEALTH & SERVICES OREGON,

Plaintiffs,

v.

DAVID BADEN, in his official capacity as Director of Oregon Health Authority,

Defendant.

Case No. 3:21-cv-01637-MO (Member Case)

Case No. 3:21-cv-01637-MO (Member Case)

Case No. 6:22-CV-01460-MC (Member Case)

### **CERTIFICATE OF CONFERRAL**

Pursuant to Local Rule 7-1(a)(1)(A), counsel for Defendants conferred with Plaintiffs' and Intervenors' counsel regarding this motion. They do not oppose this motion.

## MOTION

The amici Marion, Washington, and Clackamas County District Attorneys have requested that the Oregon State Hospital provide notice to the committing court when any patient is 60 days from the date when OSH must discharge the patient. ORS 161.371(5)(c) calls for 30 days' notice of such discharge. OSH is entirely willing to provide the notice requested by the District Attorneys, but the Health Insurance Portability and Accountability Act of 1996 (HIPAA) allows such disclosures only where they are "otherwise required by law," and the law currently requires 30 days' notice.

Defendants therefore respectfully ask this Court to amend Section (3)d of its September 1, 2022, Order to replace "30 days" with "60 days," such that it reads:

"Before a patient reaches this maximum duration of commitment for restoration under this Order and remains unfit to proceed, OSH shall notify the committing court of the patient's impending discharge 60 days before the date on which the hospital is required to discharge the patient pursuant to this Order."

Defendants will submit a form of proposed order.

DATED March 30, 2023.

Respectfully submitted,

ELLEN F. ROSENBLUM  
Attorney General

*s/ Carla A. Scott*

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